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Counsel for Plaintiff Chet Michael Wilson

**admitted pro hac vice*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Chet Michael Wilson, individually and
as representatives of the class,

Plaintiff,

v.

Mountainside Fitness Acquisition LLC,
Defendant.

Case No. 2:25-cv-01481-MTL

PLAINTIFF'S NOTICE OF
SUPPLEMENTAL AUTHORITY

1 Plaintiff Chet Michael Wilson submits this notice of supplemental authority to alert
 2 the Court to *Mujahid v. Newity, LLC*, 2025 WL 3140725 (N.D. Ill. Nov. 10, 2025), a
 3 decision issued recently that bears on the pending motion to dismiss in this case, ECF 13.

4 *Mujahid* holds that “a ‘telephone call’ as used in [47 U.S.C.] § 227(c)
 5 encompasses ... text messages,” because “nothing in the text, structure, or purpose of the
 6 TCPA suggests a distinction between an unsolicited voice call and an unsolicited written
 7 text message.” 2025 WL 3140725, at *3. In reaching that conclusion, the court recognized
 8 that text messages “fall[] within” “the plain meaning of the phrase ‘telephone call.’” *Id.* at
 9 *2. *Mujahid* also concludes that interpreting § 227(c) to encompass text messages is further
 10 supported by: the fact that the word “call” encompasses text messages in § 227(b); the
 11 broader “purpose and context” of § 227(c) and the Telephone Consumer Protection Act
 12 generally, including the statute’s capacious definition of “telephone solicitations”; the
 13 FCC’s interpretation of the word “call”; and “the weight of authority” among other district
 14 courts to have considered this issue. *Id.* at *2–3.

15 *Mujahid*’s result and reasoning therefore support Mr. Wilson’s position that the
 16 pending motion to dismiss should be denied.

17 A copy of the order in *Mujahid* is attached as **Exhibit A**.

18
 19 RESPECTFULLY SUBMITTED this 24th day of November, 2025,

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By: /s/ Michael Skocpol
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CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2025, a true and correct copy of the foregoing notice of supplemental authority was served by CM/ECF to the parties registered to the Court's CM/ECF system.

Dated: November 24, 2025

By: /s/ Michael Skocpol
Michael Skocpol